



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

Government Complex, 5th Level
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Michael Polan
Building Commissioner

March 21st, 2023

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **March 21st, 2023, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Glen Minich Deb Vance
 Vern Schafer

PRESENT: Michael Polan, Recording Secretary, Attorney Doug Biege; Ashley
 Kazmucha, Administrative Coordinator

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Glen Minich asked for approval of the meeting minutes of February 21st, 2023.

Vern Schafer made a motion to approve the meeting minutes of February 21st, 2023 as presented.

Deb Vance seconded.

All Approved. Motion carries 3-0

Petitions:

2. Petition for Variance of Developmental Standards for Michael V & Samantha K Balich represented by Andrew Voeltz of Howes & Howes, LLP for fifty-four feet by one hundred four feet (54' x 104') accessory structure (pole barn). This accessory structure would be in addition to the two (2) accessory structures currently on the property and located on the northwest corner of the Property. The property is located at 2666 N. Kuchar Dr., LaPorte, IN., Center Twp., zoned R1B on 2.01 acres. Parcel 46-06-23-153-016.000-042.

Glen Minich stated Petition #2 will be tabled until the April meeting.

1. Petition for Variance of Use for Indiana Portfolio 1, LLC represented by Chris Willoughby of Braje, Nelson, and Janes, LLP to allow the continuance of preexisting Self-Storage use and an expansion of the business/units, all as previously approved by the

BZA. This property is located at 9845 N. Old Buffalo Rd., LaPorte, IN., Springfield Twp., zoned A on 9.315 acres. Parcel 46-02-14-200-017.000-062.

Attorney Biege stated notice is adequate.

Chris Willoughby stated he is an attorney with Braje, Nelson, and Janes on behalf of his client Indiana Portfolio 1, LLC. With him tonight is Ashton Fritz who is a principal in Fritz Engineering Services. If they find the miscellaneous drawing that he dropped off with permission of Counsel and Mr. Polan, he dropped of a more clear and bigger drawing to clarify the dimensions of the building. This is a petition for a use variance as Mr. Minich summarized. This has historically been a storage unit. In 2007, there was a variance that was approved for use of the property as a storage facility and expansion. That property wasn't fully developed during that time, but it has continued to be used as a storage facility. His client took legal title to the property in 2022 and by virtue of the variance process, the use variance that was previously granted did not transfer ownership so in order for them to be able to expand they have to come back. The drawing shows the existing property and what the contemplated use and expansion and improvements are in the future which lead to being before them is when they approached the Building Commission. They believe they meet the legal hurdles in terms of improving and non-negatively affecting the other properties value wise. This use, again, they are seeking permission to be able to continue on and expand all to be done in accordance with LaPorte County Building Codes. They are not seeking any other variances at this time, so they merely seek their permission to continue on.

No remonstrators present.

Vern Schafer made a motion to approve the Petition for Variance of Use for Indiana Portfolio 1, LLC represented by Chris Willoughby of Braje, Nelson, and Janes, LLP to allow the continuance of preexisting Self-Storage use and an expansion of the business/units, all as previously approved by the BZA. This property is located at 9845 N. Old Buffalo Rd., LaPorte, IN., Springfield Twp., zoned A on 9.315 acres.

Deb Vance seconded.

All Approved. Motion carries 3-0.

3. Petition for Special Exception for Andriy Prots for operation of a used car lot. The property is located at 2005 W. Hwy 6, LaPorte, IN., Scipio Twp., zoned B2 on 1.6816 acres. Parcel 46-10-35-300-003.000-060.

Attorney Biege stated notice is adequate.

Andriy Prots stated his address is 7952 W. 900 S., Union Mills, IN.

Glen Minich asked what operation he intends to do on the property.

Andriy Prots stated he is trying to do a used car lot and sell used vehicles. He currently owns a dealership and salvage yard in Hammond, Indiana, so because he is trying to build a house in the Westville area which they are going to start building this year, he is trying to move himself to LaPorte County and trying to open a used car lot if they let him.

Glen Minich stated normally, they have a little bit better description or picture of what he plans on doing with the property. It's a two (2) acre parcel or one-point-eight-six (1.86), but only a small footprint of it was previously used as a gas station. Is he planning to expand?

Andriy Prots stated no. He is planning to use the proportion where the gas station was for the car lot. The rest of the field will stay vacant for now and the farmer will probably continue to plant it.

Glen Minich asked how many cars does he plan to put on site.

Andriy Prots stated twenty to thirty (20 – 30).

Glen Minich asked how many days of operation would he like to have there.

Andriy Prots stated weekdays eight to five (8 am – 5 pm) and Saturday until one (8 am – 1 pm).

Vern Schafer stated it was previously a filling station. Have the tanks been removed?

Andriy Prots stated everything has been removed and he has all that documented. He doesn't have them with him because he didn't know they were going to ask.

Vern Schafer stated he doesn't know if they need them, but he was curious and he just purchased the property.

Andriy Prots stated he just purchased the property and his lawyer checked everything before closing so everything was all removed.

Vern Schafer asked if they have done the tank removal and checked the contamination on site.

Andriy Prots stated yes.

Remonstrators:

Hugh Glasgow stated his address is 6501 S. State Road 39, LaPorte, IN. He looked up Andriy Prots and his current business and he became concerned. He is worried they may be dealing with more than a used car lot.

Hugh Glasgow provides the Board with Google visuals of Andriy Prots business.

Hugh Glasgow stated he doesn't know if they want to change the zoning from B2 to B3 or if they just want to give permission on B2 for a used car lot or if it's zoned B3, can it be a junkyard?

Glen Minich stated first off, they don't do zoning changes; they only do variances to operate in a different zone so it would only be a variance to operate.

Attorney Biege stated it is already in B2 so it is a special exception. They have already satisfied all the requirements under the zoning code, but because used car lots are in a special category, when they wrote the JZO, they wanted the Zoning Board to take a closer look at it. It's already allowed.

Hugh Glasgow stated as an adjoining property owner, if the zoning is B2 and accepts certain things that wouldn't bother him as an adjoining property owner as what he could do with his zoning. Since it's B2, certain things are exempted from B2.

Attorney Biege stated certain things are. He doesn't think a junk yard is allowed in B2.

Ashley Kazmucha stated it isn't allowed anywhere. It's only allowed in M2 as a special exception.

Attorney Biege stated it would need a zoning change and a special exception in order to run a junkyard there.

Hugh Glasgow stated what about auto parts and sales.

Glen Minich stated they are only looking at a special exception to operate it as a used car lot. Anything he would do beyond that would vacate the variance and he would have to cease his business.

Hugh Glasgow asked if he would be putting up a six-foot galvanized fence around the property.

Andriy Prots stated he is not trying to do the junk yard there. He has enough junkyard over there so he just wants to do a car lot and clean business and go home.

Hugh Glasgow stated he can understand his concern because he already has a junk yard.

Andriy Prots stated he already has a junk yard; he doesn't need one (1) here. He is just asking for the license for the used car lot.

Hugh Glasgow asked if the cars would all be running.

Andriy Prots stated complete cars, yes.

Hugh Glasgow stated the cars in his other location don't run.

Andriy Prots stated that is because it is a junkyard and they sell parts there.

Eric Arnold stated his address is 2151 W. Hwy 6, LaPorte, IN. He lives immediately next door just to the west so the field that is zoned agricultural presently is between his house and that property. He has a kennel license through County Animal Shelter. He has above ground kennels with puppies in them with dogs that are injured or elderly or whatever the situation is that they need to have special care. It is immediately where he is talking about doing stuff. There is a foot print presently that the gas station previously took. The footprint where there is pavement, the building is clearly shown on Beacon. All the grass is not that foot print. The traffic from a gas station is only exclusively at that pavement, nothing else. There won't be cars driving around it. That was the idea of the present zoning. He is talking about changing everything. He is talking about changing the dynamics of the value of his house. He paid one hundred and fifty-five thousand dollars (\$155,000) for his house because he didn't live next to him. If he lives next to him, (*sound gesture*). He won't even address him; the Board is the boss. He pays a lot of money in taxes and so does everyone else. He can't imagine how much Hugh Glasgow pays in taxes. Again, every single dynamic of his home will change. This is serious. He doesn't want not just the business there, he doesn't want him there let alone what he is going to bring. He has a track record and pictures of the stuff. Does he have some kind of stuff going on at a different location than Hammond? Does he think this is what the rural agriculture . . .

Glen Minich stated he is not to address the petitioner. He is only to address the Board.

Eric Arnold stated that is about the size of it. This is his house and he could not be anymore opposed to it. It will immediately affect everything and his whole life.

Jacek Dzoga stated his address is 5501 S. State Road 39, LaPorte, IN. He is restoring an old farmhouse there and he doesn't want to see his property values get dropped by a used car lot within spitting distance of his home. He opposes it. It is the first house north of it.

Eric Arnold asked if he can say one more thing briefly.

Attorney Biege stated first of all, they have to go to the podium. Secondly, he already had his say.

Jason Vaugh stated his address is 5549 S. State Road 39, LaPorte, IN. He is opposed to this. He has children that walk and run all through his yard. There is already enough traffic going up and down the road and there has been a huge increase in traffic lately. He and his neighbor were just talking about it the other night. It is insane the amount of traffic. The amount of traffic that will bring is ridiculous. To think that he would fit twenty-five to thirty (25 – 30) cars on that property; that isn't going to happen. There's no way to have that many cars on a property and still have room to park for customers. Not only that, but if he owns a junk yard, he is going to be selling parts out of there guaranteed. He was in the car business a long time before he went to the steel mill. He opposes.

Glen Minich stated the concerns seem to be of the maintaining of the property and the number of cars that are planned to be put on the property. If they are looking at the footprint of the paved or

at the very most stoned facility, he has a hard time seeing how he will fit many cars on the property.

Andriy Prots stated when they asked how many cars will fit, he was guessing twenty (20), but if it fits fifteen (15) then that's fine. He understands he needs parking for customers. Of course, he will not park on the grass.

Glen Minich stated he isn't sure what the setback would be on that property. Is there a set setback for parking?

Attorney Biege stated there is not a setback for parking. It's only for building unless they create one (1). If the Board decided to do that, they can do that, but they had that issue in Fish Lake and they were parking right up to the street and there was nothing to prevent them from doing that.

Glen Minich stated it will be a safety issue if they don't move those cars back to some extent. Probably for safety when the gas station was in place, that is why the islands for the gas are set back and that is something they will have to look at.

Vern Schafer stated the islands are basically right on the edge of the property. The roof of the island is right along the edge of the property and also the corner is part of the State property. It is not a part of his property.

Michael Polan stated he has a comment and question. His comment is that the zoning allows for the used car lot other than the special exception where the Board can put restrictions on it. The right-of-way along the two roads would not be allowed to have obstructions. His question to the Petitioner is, does he have a plan for signage? If he does have a plan to advertise or show the location of the business, can he explain what that plan is to the Board? Is he going to put a sign on the property and if so, can he describe the size and location.

Andriy Prots stated there are already two (2) existing signs. They are a little damaged, but structurally the frames are good so he will call a sign company to reinstall a new name. That is all he will need; he doesn't need more signs.

Glen Minich asked if that sign will be lit.

Andriy Prots stated he's not sure if they do right now, but he will ask sign company to light them.

Deb Vance asked if he plans on servicing cars there.

Andriy Prots stated no. He has a place in Hammond where he wants to repair them and then just bring them here ready to go.

Glen Minich stated again, he is only petitioning for the operation of a used car lot, not part sales or repair. None of that would fall under this.

Vern Schafer stated when he looks at the map of the property a lot of the corner is part of the State Highway property. It angles off so the actual property boundaries are set back pretty close to the building, which that area is paved, but if they need to maintain the setback for the State Highway property, they have to understand that there are no vehicles to be parked passed that setback and he is talking about customers also. This looks like there is not enough existing pavement there to park that many vehicles.

Michael Polan stated the management and jurisdiction of the right-of-way would be under the jurisdictional authority of INDOT so if they needed to get in there and do work, they would address the owner directly and he believes that if there is anything in the easement or right-of-way that would get damaged, they wouldn't be liable to it. That would be taken up specifically between the State of Indiana, INDOT, and the owner. He would add that this Board could put a restriction on the number of vehicles that could be allowed for sale on the property.

Vern Schafer stated he wants to see some better planning before they would even grant this variance because there is some remonstration and he is a little concerned about that. He isn't saying that they would turn it down, but he would like to see a better plan. If he is going to use the existing property the way it is, he is against it. If he is going to make some improvement to the property to make it work then he would be willing to listen.

Andriy Prots stated nobody asked him about improvements. Of course, he is going to pave it to make it better and put some lights around the edges, update the signs, and remodel the inside and outside of the office because it looks ugly. That is the next step. He has to go to the Building Department for direction. If he has to put more asphalt or whatever it takes, he will do it of course. It will not be worth it for him to keep three (3) cars there. If he can at least fit ten (10), fifteen (15), twenty (20) then it would be like a normal car lot. Everybody tries to put more cars, but he will do whatever it takes. If they let him pave it to the left and right on that property, he will be very happy to do it, but first he has to ask Building Department how much he is allowed to do.

Vern Schafer made a motion to table the Petition for Special Exception for Andriy Prots for operation of a used car lot. The property is located at 2005 W. Hwy 6, LaPorte, IN., Scipio Twp., zoned B2 on 1.6816 acres. A better site plan will be supplied at the next meeting.

Deb Vance seconded.

All Approved. Motion carries 3-0.

4. Petition for Variance of Developmental Standards for Richard C & Debra Weller and Tyler & Kylie Weller to split a property in two (2). Parent parcel will retain 250' of road frontage and 5.222 acres; new parcel will have 50' of frontage and 3.064 acres and construction of a new home. This property is located at 7158 E. 200 N., Rolling Prairie, IN., Wills Twp, zoned A on 8.264 acres. Parcel 46-08-29-100-006.000-068.

Attorney Biege stated notice is adequate.

Tyler Weller stated his address is 7158 E. 200 N., Rolling Prairie, IN.

Glen Minich asked which parcel is he planning to live on.

Tyler Weller stated the back.

Glen Minich stated that is the parcel that will have fifty-feet (50') of frontage and three-point-zero-six-four (3.064) acres.

Tyler Weller stated yes.

Glen Minich stated a flag lot is something that the Board has addressed from time to time. They look like a flag with a narrow ownership in the front and it widens to the back. He would be living on the rear property. The drawing isn't drawn to scale. Is the drawing similar to how he plans on splitting the property? Is it that far back?

Tyler Weller stated yes.

Vern Schaffer stated he will be nine hundred feet (900') back from the road.

Tyler Weller stated yes.

Glen Minich stated the front acreage has five-point-two-two (5.22) acres with two-hundred and fifty feet (250') of frontage.

Vern Schaffer asked if he is asking to get this particular property deeded to himself.

Tyler Weller stated yes.

Vern Schaffer asked if he knew what the acreage is on that.

Tyler Weller stated it is three-point-zero-six-four (3.064) acres.

No remonstrators present.

Vern Schaffer stated he assumes he is putting the driveway on the east and putting the house in the rear and it is three (3) acres.

Glen Minich stated they don't look at whether the septic is a problem or anything else. Tyler will own the property, but somebody else may own the property one (1) day too.

Vern Schaffer asked who owns the property now.

Glen Minich asked if he has a relationship with the principal property owner.

Tyler Weller stated yes, it is his father.

Glen Minich asked why there is such a discrepancy in the frontage that is being split.

Vern Schafer stated the other house is right in the center.

Tyler Weller stated the fifty-foot (50') that is shown on the drawing comes about ten to fifteen feet (10' – 15') from an existing barn on the other property with the five-point-two-two (5.22) acres.

Glen Minich asked if there was a way to make it a more equitable split on the road frontage.

Tyler Weller stated he isn't sure. They didn't look at that.

Kylie Weller stated there's really not because of where the house is located.

Ashley Kazmucha stated they would need to maintain the setback from the barn. That's why it is placed there.

Vern Schafer stated it is basically a right-of-way to get back to his property.

Tyler Weller stated yes.

Vern Schafer stated he doesn't have a problem with it unless they have remonstrations.

Glen Minich asked for a motion.

Deb Vance made a motion to approve the Petition for Variance of Developmental Standards for Richard C & Debra Weller and Tyler & Kylie Weller to split a property in two (2). Parent parcel will retain 250' of road frontage and 5.222 acres; new parcel will have 50' of frontage and 3.064 acres and construction of a new home. This property is located at 7158 E. 200 N., Rolling Prairie, IN., Wills Twp, zoned A on 8.264 acres.

Vern Schafer seconded.

Denied. Motion fails 2-1.

Attorney Biege stated motion fails.

Tyler Weller asked if there is something he can do.

Glen Minich stated because it failed because of the unequitable split of the frontage they could as a Board make an exception that he could come back without the wait. How did they do that, Doug?

Attorney Biege stated that was when they had Plan Commission. They can waive the one (1) year requirement and allow him to come back again. He also has the right to appeal to circuit

court. Keep in mind, he's been doing this eighteen (18) years and the Board never grants these. The reason is because they don't want too many mailboxes or lots along the road. That's why they have the two-hundred-foot (200') requirement. He's just letting him know; he doesn't have a vote. A full Board he may get the same result, but they can waive the one (1) year requirement.

Vern Schaffer made a motion to waive the one (1) year requirement.

Deb Vance seconded.

All Approved. Motion carries 3-0.

5. Petition for Variance of Developmental Standards for Marilyn Deardurff for construction of a new primary home and to keep the existing home to be used as a guest home. This property is located at 9364 W. Pahs Rd., Michigan City, IN., Coolspring Twp. zoned R1B on 1 acre. Parcel 46-05-09-201-008.000-073.

Attorney Biege stated notice is adequate.

Marilyn Deardurff stated her address is 9364 W. Pahs Rd., Michigan City, IN.

Glen Minich stated she wants to construct a new home and leave the existing home to be used as a guest home.

Marilyn Deardurff stated yes.

Glen Minich asked if she is building a smaller home for herself.

Marilyn Deardurff stated it is about the same size, but it will be much more handicapped accessible and newer. The house she lives in now is a hundred (100) years old and it is pretty hard to get around.

Glen Minich stated she won't be using the original home for a rental. It will only be for a guest house.

Marilyn Deardurff stated yes.

Glen Minich stated it looks like it will fit on the property fairly well.

No remonstrators present.

Glen Minich stated the picture is kind of dark, but it looks like the proximity will be next to the pool that is there.

Marilyn Deardurff stated yes.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Marilyn Deardurff for construction of a new primary home and to keep the existing home to be used as a guest home. There is to be no rentals. This property is located at 9364 W. Pahs Rd., Michigan City, IN., Coolspring Twp. zoned R1B on 1 acre.

Deb Vance seconded.

All Approved. Motion carries 3-0.

6. Petition for Variance of Developmental Standards for Shawn and Rebecka Hardesty for construction of a 2nd accessory structure and in front of the home. The property is located at 5298 W. 400 S., LaPorte, IN., Scipio Twp., zoned A on 2.6 acres. Parcel 46-10-30-200-012.000-060.

Attorney Biege stated notice is adequate.

Shawn Hardesty stated his address is 5298 W. 400 S., LaPorte, IN.

Glen Minich stated he wants to put the garage in front of his home. He does have a different shaped lot and isn't real square. Can he explain the plan and the size?

Shawn Hardesty stated it would be set at about a forty-five degree (45°) angle from the front corner of the garage which is the northeast corner. It would be thirty-two by forty-eight feet (32' x 48'). It will have a brick front with lap siding. It will have the same roofline with a ten-twelve (10-12) pitch.

Glen Minich stated aesthetically it will match the home and be neat and clean.

Shawn Hardesty stated yes.

Vern Schafer asked if he could approach and show them on the picture where it will be located.

Shawn Hardesty approached and indicated where the structure will be located.

Shawn Hardesty stated it will come off of the northwest corner.

Vern Schafer asked what the size is.

Shawn Hardesty stated thirty-two by forty-eight (32' x 48').

Glen Minich asked if forty-eight (48') is the depth.

Shawn Hardesty stated forty-eight (48') is the width. Thirty-two (32') is the depth. He will be about twelve feet (12') from the property line.

Vern Schafer asked what the standard for that is. How close can it be to the neighbor's property line.

Michael Polan stated it is zoned Ag, but it is residential use, so if they go with residential setbacks, it is ten feet (10'). If they go with Ag, it would be thirty feet (30'), but it's not used for Ag.

Vern Schafer stated they obviously won't be plowing the yard next door.

Glen Minich stated when they really look at this when it is an end lot and it is Ag, but residential use, the lots have all been split off of a field, it is a difference if it is an end lot because then the neighbor is Ag and it changes the whole situation some. In this case, it is ten feet (10'). He isn't asking for a variance on that; he can build up to ten feet (10') and he says it will be twelve feet (12').

No remonstrators present.

Glen Minich stated he has to meet the codes so he will be twelve feet (12') away from then neighbor and he says it will fit there and that's not for them to deal with just whether that works for everybody or not. In the motion they can mention the asphalt roof and brick front because that does make a difference being residential being that close to a neighbor. It would be good to get that on the record.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Shawn and Rebecka Hardesty for construction of a 2nd accessory structure and in front of the home. The structure will be aesthetically pleasing and match the home. The property is located at 5298 W. 400 S., LaPorte, IN., Scipio Twp., zoned A on 2.6 acres.

Deb Vance seconded.

All Approved. Motion carries 3-0.

7. Petition for Variance of Developmental Standards for Andrew Skwiat construction of a pole barn with a side setback of 15' instead of the minimum 30' required. The property is located at 566 S. Wozniak Rd, LaPorte, IN., New Durham Twp., zoned A on 3.574 acres. Parcel 46-09-02-300-017.000-027.

Attorney Biege stated notice is adequate.

Andy Skwiat stated his address is 566 S. Wozniak Rd., LaPorte, IN. He is here asking permission to build a forty by fifty (40' x 50') pole barn fifteen feet (15') off the south property line versus the required thirty feet (30').

Glen Minich stated they don't have much of a plan on this either.

Andy Skwiat approached the Board to indicate where the structure will be located.

Andy Skwiat stated he had Thate come out and survey the line. The setback of the road is sixty feet (60') to the closest corner so he wants to come fifteen feet (15') off the line and then fifty-feet (50') north and south by forty feet (40') east and west. It will be sixty feet (60') off the road and fifteen feet (15') off the line.

Vern Schafer asked about access.

Andy Skwiat stated it will be from the road that way he can just come right from the road.

Vern Schafer asked if there will be any other access to get back to the house.

Andy Skwiat stated no. It will be grass.

Vern Schafer asked what the building will be used for.

Andy Skwiat stated for storage of a tractor and other farm stuff. Does he need to ask permission for electric for water? Sometimes people ask for that. If his petition is considered, he would like to ask permission for electric and water.

Glen Minich stated electric is standard. Water is optional. He is asking for water. When they take this, they will also make a requirement that it is not to be used for a dwelling because there will be water and they need to make that designation. He plans on building this in front of his home and that's not in the variance.

Michael Polan stated that is because it is Ag use.

Glen Minich stated because it is Ag use he can put the barn in front of the home.

Michael Polan stated right. Therein changes what they are asking for is a reduction of the side setback. Front of home is allowed for Ag.

Glen Minich stated they are kind of changing lanes in the middle because they told the last person they could have ten-foot (10') side setback because it was residential use.

Michael Polan stated the difference in those two (2) is that the last one (1) was residential use and this one (1) is zoned Ag and for Ag use so he didn't have to ask to put it in front otherwise the petition would have been worded that way. However, the thirty-foot (30') setback applies here so that is what they are asking for.

Glen Minich stated sure, that is what they are asking for.

Vern Schafer asked if he is talking about the side of the property, not the front? He is sixty feet (60') from the road and fifteen feet (15') from the side.

Andy Skwiat stated he isn't sure as he is the one (1) there asking, but he believes in Mr. Hardesty's case he was Ag, but with residential use and he wasn't and in lot. He is an in lot and the neighbor to the north of him is actually Ag ground and farmed so he believes that is why he has to meet the thirty-foot (30') requirement without their permission because north of him is farmed so it is considered Ag.

Glen Minich stated that may be, but the barn is actually being built up against a residential lot, right.

Andy Skwiat stated that is correct.

Glen Minich stated that would perhaps be different if it was on the wayward side by the field, but it is up against a residential lot so this is more of an application like the last one (1) was.

Vern Schaffer stated that is the way it appears to him. For clarification, the only thing they are debating here is the setback on the side because it is zoned Ag, right?

Michael Polan stated that is correct.

Vern Schaffer stated which is fifteen feet (15') from the neighbor which is a residential lot zoned Ag. The only thing they are debating is the fifteen-foot (15') versus thirty-foot (30') setback on the side.

Glen Minich stated they can make a motion with other restrictions.

Attorney Biege stated usually if they put water in a barn, they put a restriction it cannot be a residential dwelling.

Glen Minich stated Doug told him a long time ago they could vary from the petition if they thought it was necessary in its setting. As a Board, the person making the motion could actually ask it to be setback a certain amount to the proximity of perhaps a neighbor.

Attorney Biege stated yes.

Deb Vance made a motion to approve the Petition for Variance of Developmental Standards for Andrew Skwiat construction of a pole barn with a side setback of 15' instead of the minimum 30' required and with water. The structure should be setback behind the house to the south so it is not within their view. Not to be used as a dwelling. The property is located at 566 S. Wozniak Rd, LaPorte, IN., New Durham Twp., zoned A on 3.574 acres.

Vern Schafer seconded.

All Approved. Motion carries 3-0.

8. Petition for Variance of Developmental Standards for Brian Cherry for construction of a guest house. The property is located at 7424 N. 425 E., Rolling Prairie, IN., Galena Twp., zoned A on 3.365 acres. Parcel 46-03-26-300-016.000-048.

Attorney Biege stated notice is adequate.

Brian Cherry stated his address is 7424 N. 425 E., Rolling Prairie, IN.

Glen Minich asked what he has planned for the construction of the guest house.

Brian Cherry stated on the drawing it is shown on the southwest corner of the property. They want to put in a guest house. His wife is going back on how big or what size, but it would not exceed fifteen hundred square feet (1,500²). She has an idea of a tiny house or a she shed.

Glen Minich stated a guest house or man cave. Say it like it is. Dog house or whatever it is.

Brian Cherry stated yes, if he gets in trouble. Also, occasionally they have family members that come and stay with them too that way they aren't in the house.

Glen Minich stated the drawing shows the proposed septic field. Shows water and electric being ran to the guest house from the existing water and electric.

Brian Cherry stated yes.

Glen Minich stated the proposed septic field will be taken care of by the Health Department. They are just saying they can put the guest house in or not.

No remonstrators present.

Glen Minich stated they don't really have a drawing because they don't really have anything other than the size.

Brian Cherry stated what his wife has been looking at is getting a modular for the larger size which is a prefabricated home that can be put together. The smaller she shed option would be a prefab from somewhere like Yoder's. Some of the nicer looking smaller structures with the porch and loft area insides. The idea would be that there is a metal roof on the house and the pole barn that is out there right now so they would try to match all the aesthetics.

Attorney Biege stated he wanted to make a comment. He used the term she shed. They will still have to follow the basic building codes because he isn't asking for a variance on floor space or anything.

Glen Minich stated he wanted to make that point too because when he said he wants to put up a Yoder's shed for a guest house, they will have to go through a whole lot through the building department to make that qualify of a dwelling of any type.

Michael Polan stated there is a minimum of square footage that would have to be met as well all the standard building codes.

Brian Cherry stated he understands.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Brian Cherry for construction of a guest house. Not to be used as a rental. The property is located at 7424 N. 425 E., Rolling Prairie, IN., Galena Twp., zoned A on 3.365 acres.


Deb Vance seconded.

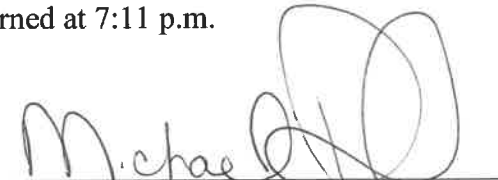
All Approved. Motion carries 3-0.

Glen Minich asked for any old business.

Glen Minich asked for any new business.

There being no further business, meeting adjourned at 7:11 p.m.


Glen Minich, Vice-President


Michael Polan, Recording Secretary